

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: — There is one Extraordinary issue to the Official Gazette, Series I No. 15 dated 17-7-97, namely Extraordinary dated 21-7-97 from pages 253 to 280 regarding Notification from Department of Home (General Division).

This issues with the concurrence of the Local Finance Department vide their U. O. R. No.FS/898/97 dt. 10/6/1097.

This Amendment comes into force from the date of issue of this Notification.

GOVERNMENT OF GOA

Department of Education

Directorate of Education

By order and in the name of the Governor of Goa.

Suman Pednekar, Director of Education and Ex-Officio Joint Secretary to the Government of Goa.

Panaji, 2nd July, 1997.

Notification

In exercise of the powers conferred by section 29 of Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), the Government of Goa hereby makes the following amendments, namely:—

1. *Short title and commencement:* — (1) These rules may be called the Goa School Education (Amendment) Rules, 1997.

(2) They shall come into force at once.

2. Amendments to existing rules:—

In the Goa, Daman and Diu School Education Rules, 1986, Rule 68 (1) & Rule 68 (2) stand amended to read as under:—

68. *Quantum of building grant:*— (1) No building grant shall ordinarily exceed two-third of the total expenditure annually incurred subject to maximum of Rs. 10.00 lakhs, whichever is less, after the commencement of these rules.

(2) The managements who are receiving maintenance grants are also eligible for the grant of building loans upto Rs. 10.00 lakhs to be regulated under the same terms and conditions as laid down in sub-rule (1) of rule 68 and rule 67 & 70. This building loan can be sanctioned as per the scheme prepared and approved by Government from time to time and in addition to the building grant at the discretion of the Government.

Department of Inland Waterways

Captain of Ports

Order

1/42/96-IWT/COP

Whereas the Government of Goa desires to adopt the standards specified in the Code of Safety Dynamically Supported Craft annexed to IMO Resolution No. A373(X), for the purpose of survey and registration of dynamically supported craft to ply within the Inland Water of the State of Goa.

Now, therefore, the Government of Goa is hereby pleased to permit compliance with all Chapters of the Code of Safety for Dynamically Supported Craft annexed to IMO Resolution No. A373(X), equivalent to compliance with the following rules framed under the Inland Vessels Act, 1917 (Central Act 1 of 1917), namely:—

(1) The Inland Vessels (Construction and Survey) Rules, 1965.

(2) The Inland Vessels Registration Rules, 1965.

- (3) The Inland Vessels Accident Claims Tribunal Rules, 1981.
- (4) The Inland Vessels Rules promulgated vide Government Notification No. I & L/1545/65/3906 dated 26-8-1965 (Regulation of Survey fees);
- (5) The Inland Vessels Rules for regulating the grant of Certificate of Service to Masters, Serangs, Drivers and Engineers of Inland Steam (Power propelled) Vessels, promulgated vide Notification No. I & C/1545/65/3905 dated 26-8-1965.

By order and in the name of the Governor of Goa.

A. P. Mascarenhas, Capt., Ex-Officio Jt. Secretary (C. O.P.).

Panaji, 10th July, 1997.

Department Labour

Notification

GLWB/LWFA/65/97/2777

Whereas certain draft rules further to amend the Goa Labour Welfare Fund Rules, 1990, were published as required by sub-section (1) of section 37 of the Goa, Daman and Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987), in the Official Gazette, Series I, No. 50, dated 13th March, 1997, at pages 703 to 704, under Notification No. GLWB/71/96-97/959, dated 21st February, 1997 of the Department of Labour, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of forty five days from the date of publication of the said Notification in the Official Gazette.

And Whereas the said Official Gazette was made available to the public on 13th March, 1997.

And Whereas no objections and suggestions have been received from the public, on the said draft, by the Government.

Now, therefore, in exercise of the powers conferred by section 37 of the Goa, Daman and Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Labour Welfare Fund Rules, 1990, namely:—

1. *Short title and commencement:*— (1) These rules may be called the Goa Labour Welfare Fund (Amendment) Rules, 1997.

(2) They shall come into force at once.

2. *Amendment of rule 24:*— In rule 24 of the Goa Labour Welfare Fund Rules, 1990 (hereinafter referred to as the 'principal Rules') in clause (a) of sub-rule (2), for the words "as per recommendation of the Fourth Pay Commission", the words "as admissible to the employees of the Government" shall be substituted.

3. *Amendment of Forms:*— In the principal Rules,

(i) in Form A appended thereto, in items (A) and (B) against Sr. No. 6, the words and figures "drawing salary upto Rs. 1,600/- per month" shall be omitted,

(ii) for Form C appended thereto, the following Form shall be substituted, namely:—

FORM 'C'

(See Rule 9)

CASH BOOK

Date	No. of receipt issued or bill drawn	Particulars		Receipts to be credited to Govt. accounts	Salaries and Advances		Contingencies			Total		Classification	Remarks
		From whom received	Cheque/ /D.D.No.				In re-coupment of permanent advance	Advance payment	Miscellaneous				
				Rs. P.	Rs. P.		Rs. P.	Rs. P.		Rs. P.			
(1)	(2)	(3)		(4)	(5)	(6)				(7)		(8)	(9)

Date	Sub-vouchers Nos.	To whom paid	Receipts to be credited to Govt. accounts		Salaries and Advances		Contingencies			Total	Classification	Remarks
							Out of permanent Advances	Out of money drawn in anticipation of payment	Miscellaneous			
			Rs.	P.	Rs.	P.	Rs.	P.		Rs.	P.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and Ex-Officio Joint Secretary (Labour).

Panaji, 26th June, 1997.

Goa Legislature Secretariat

LA/B/1819/1997

The following Bill which was introduced in the Legislative Assembly of Goa on 14-7-97 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 17th July, 1997.

The Goa Prohibition of Smoking and Spitting Bill, 1997

(Bill No. 22 of 1997)

A

BILL

to provide for prohibiting and spitting in places of public work or use and in public service vehicles in the State of Goa and to make provision for other matters connected therewith.

Be it enacted by the Legislative Assembly of the State of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Prohibition of Smoking and Spitting Act, 1997.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

- “authorised officer” means a person authorised under section 4 of this Act;
- “chewing” means chewing of tobacco, gul (tobacco), use of tobacco paste, supari with tobacco, pan masala, zarda, ghutka and the like;
- “Goa” means the State of Goa;
- “Official Gazette” means the Goa Government Gazette;
- “place of public work or use” means and includes auditoria, cinema/conference/seminar halls, hospital buildings, health institutions, amusement centres, restaurants, eating houses, hotel lounges, other waiting lounges, public offices, court buildings, educational institutions, libraries, bus stations/stands, ferry boats, places of worship, beaches, sports stadium and the like which are visited by the general public or any other place declared as such under section 3 of this Act;
- “public service vehicle” means a vehicle as defined under clause (35) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988);
- “smoking” means smoking of tobacco in any form, whether in the form of cigarette, cigar, beedies or otherwise with the aid of pipe, wrapper, or any other instruments;
- “spitting” means voluntary ejection of saliva from the mouth after chewing or without chewing and ejection of mucus from the nose after inhaling snuff or without inhaling;

3. *Declaration of places of public work or use.* — As soon as may be after the commencement of this Act and thereafter from time to time, the Government may, by notification in the Official Gazette, declare any place to be a place of public work or use in Goa for the purposes of this Act.

4. *Power of Government to authorise officers to act under this Act.* — (1) The Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this Act.

(2) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

5. *Prohibition of smoking and spitting in places of public work or use.* — No person shall smoke or spit in any place of public work or use.

6. *Prohibition of smoking and spitting in public service vehicles.* — Without prejudice to the provisions of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), no person shall smoke or spit while travelling in or using a public service vehicle.

7. *Prohibition of sale of cigarettes, etc. to minors.* — No person shall sell cigarettes, beedies, chewing tobacco, gul (tobacco), tobacco paste, supari with tobacco, pan masala, zarda, snuff, ghutka or any other such smoking and/or chewing substance to any person who is below the age of eighteen years.

8. *Display and exhibition of board.* — The owner or manager or incharge of affairs of every place or public work or use shall display and exhibit a board at a conspicuous place or places in and outside the premises visited or used by the general public prominently stating that the place is a "No Smoking and No Spitting Zone" and that "Smoking/Spitting is an Offence".

9. *Penalties.* — Any person who contravenes the provisions of — (1) sections 5, 6 or 8 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with a minimum fine of two thousand rupees, but which may extend to five thousand rupees.

(2) section 7 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with imprisonment which may extend to three months, or with a minimum fine of five thousand rupees which may extend to ten thousand rupees, or with both.

10. *Power to eject violators.* — Any authorised officer or any police officer, not below the rank of a sub-inspector, may eject any person who contravenes any provisions of this Act, from the place of public work or use.

11. *Court competent to take cognizance and try offences.* — (1) No court other than the court of a Judicial Magistrate First Class shall take cognizance of, and try an offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an authorised officer with respect to offences under sections 5 and 6 and on a report in writing of a police officer not below the rank of sub-inspector, with respect to the offences under sections 7 and 8.

12. *Certain offences to be cognizable and bailable.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), offences under sections 5, 6 and 7 of this Act shall be cognizable and bailable.

13. *Summary trial of offences.* — All offences under this Act shall be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

14. *Power to delegate.* — The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act, may also be exercised by such officer and subject to such conditions, if any, as may be specified therein.

15. *Composition of offences.* — (1) The Government may, by notification in the Official Gazette, empower the authorised Officer or a police officer not below the rank of sub-inspector to compound any offence committed under this Act on payment of a sum not exceeding rupees five hundred by way of composition for the offence which such person is suspected to have committed.

(2) On payment of such sum to such Officer, the offender if in custody, shall be released and no further proceedings shall be taken against such offender.

Statement of Objects and Reasons

It is medically well settled that smoking is injurious to the health of both the smokers and non-smokers who happen to inhale smoke emanating from those who smoke. As such, in public places, including public vehicles, even non-smokers are put to avoidable hazards and inconvenience due to those who smoke.

Similarly, indiscriminate spitting with or without chewing 'tobacco/pan' in public places and vehicles leads to hazards of spread of infection, aesthetic degradation and environmental pollution of public places. Till the recent past, the State of Goa had the distinction of having less spitting incidences compared to other States. However, now the ghastly 'tobacco/pan' smeared 'walls/corners' of public places such as hospitals, bus stands, government offices, etc. are becoming menacingly common.

In view of the above, as also to maintain the good name that the State of Goa has carved for itself in environmental uniqueness, health and tourism, it has become imperative to control the menace of smoking and spitting through appropriate legislation.

This Bill aims at prohibiting smoking and spitting in places of public work or use and in public service vehicles and to make other provisions to control the same.

Financial Memorandum

No financial implications are involved in this Bill. However, certain expenses may be required for policing, monitoring and implementation of various provisions of the Act, such as, prohibition on Smoking/Spitting in place of public work or use, prohibition on Smoking/Spitting in public service vehicles, sale of tobacco products to minors, and display of board at place of public work or use. These will have to be borne, mostly by the concerned local authorities and police stations.

Memorandum Regarding Delegated Legislation

Section 1 (3) of the Bill empowers the State Government to appoint the date of bringing into force the provisions of the Act.

Section 3 of the Bill empowers the State Government to declare any place to be a place of public work or use in Goa for the purposes of the Act.

Section 4 of the Bill empowers the State Government to authorise any officer as competent to act under the Act.

Section 14 of the Bill authorises the State Government to delegate any powers exercisable by it under this Act to any specified Officer.

These delegations are of normal character.

Panaji,
7th July, 1997

WILFRED MISQUITA
Minister for Environment

Assembly Hall,
Panaji,
8th July, 1997

ASHOK B. ULMAN
Secretary to the
Legislative Assembly of Goa

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Department of Personnel

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Notification

1/3/89-PER (Pt. II)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing Recruitment Rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service Group 'A' Gazetted posts in the Government Polytechnic, Government of Goa, namely:—

1. *Short title, application and commencement.* — (1) These rules may be called the Government of Goa, Government Polytechnic, Group 'A' Gazetted, Recruitment Rules, 1997.

(2) They shall apply to the posts specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.* — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.* — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/34(4)/94 dated 28-5-1997.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 2nd July, 1997.

SCHEDULE

Name/ / Designation of post.	Number of posts.	Classification.	Scale of pay.	Whether Selection post or non-selection post.	Age limit for direct recruits.	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits.	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Period of probation, if any.	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/transfer is to be made.	If a D. P. C. exists, what is its composition.	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment.
1	2	3	4	5	6	6 (a)	7	8	9	10	11	12	13
Head of Department of Modern Office Practices.	1 (One) Subject to variation dependent on workload.	Goa General Service Group 'A' Gazetted.	Rs. 3700-125-4950-150-5700.	N. A.	Not exceeding 45 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	N. A.	Essential: (1) M. Com. First Class with relevant subject at B. Com. level with one year professional experience. OR BA/B. Sc/B. Com. First Class plus first class Diploma in appropriate subject plus two years experience in field/industry training. (2) Eight years experience in Teaching/Field/Industry/Training, out of which three years as Sr. Lecturer or equivalent.	N. A.	Two years.	Direct recruitment.	N. A.	N. A.	As required under the Goa Public Service Commission (Exemption from Consultation) Regulations, 1988. Consultation with the G.P. S.C. is necessary for making direct recruitment, promotion and confirmation and for amending/relaxing any of the provisions of these rules.

- (3) Knowledge of Konkani.

Note: In case of non-availability of a suitable candidate with the knowledge of Konkani, this requirement may be relaxed.

Desirable:

- (1) Ph. D. in appropriate branch.
(2) Knowledge of Marathi.
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